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October 11, 2024

VIA ECF

Hon. Arun Subramanian
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 15A
New York, NY 10007

Re: *Go Global Retail LLC v. Dream On Me Industries, Inc, et al.*, Index No. 1:23-cv-07987

Dear Judge Subramanian:

This firm represents Plaintiff Go Global Retail LLC (“Plaintiff” or “Go Global”) in the above referenced action, and we write jointly with Defendants Dream on Me, Industries, Inc. and Dream on Me, Inc. (together “Defendants” or “DOM”) to request an extension of the deadline to submit moving papers for summary judgment from November 4, 2024, to December 6, 2024. This is the first request for an extension of the summary judgment deadline. The Parties have met and conferred, and all have consented to the proposed extension. The Parties presently have no scheduled appearance before the Court.

The Parties have been cooperating and working at a breakneck pace to meet the present October 21, 2024 fact discovery deadline. To date, the parties have exchanged over 60,000 pages of document discovery and completed five depositions within the past three weeks, including 30(b)(6) representatives for Plaintiff and Defendants and related fact and non-party witnesses. There remain outstanding depositions for six more necessary deponents, all of which have been scheduled and will be completed in the next few weeks (despite significant scheduling challenges given both Federal and religious holidays). Although the parties are still engaging in post-deposition document discovery, that discovery has been limited. Accordingly, the parties will not require an extension of the fact discovery deadline.

Indeed, in order to meet the present October 21, 2024 fact discovery deadline, the Parties have engaged in near daily communication to coordinate scheduling, as well as the additional production of outstanding and post-deposition discovery. For example, on September 10, 2024, Plaintiff submitted its discovery deficiency letter to Defendants and received an additional production of about one thousand (1,000) new documents on September 16, 2024.

However, the deadline for the submission of summary judgment motions is currently set for November 4, 2024, only two (2) weeks after the close of fact discovery. The Parties do not think it is feasible to submit their respective motions for summary judgment by this date due to the ongoing work required to complete fact discovery, casework obligations on other matters, religious holidays, and personal conflicts occurring over the next several weeks. The parties also believe that granting this additional time will benefit the Court as it will allow the parties the necessary

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time to review and adequately brief all the issues, facts, and expert opinion that they expect will be contained in this motion practice.

The Parties are aware that the Court has previously stated that no further extensions of the fact discovery deadline will be ordered for any reason. *See* ECF 55. The Parties wish to express to the Court their earnest cooperation, and hope that the Court will appreciate the Parties' efforts to comply with this directive to timely complete fact discovery. Nonetheless, the Parties are unable to meet the present deadline for summary judgment, and would greatly appreciate the Court's understanding in granting an extension of that deadline from November 4, 2024 to December 6, 2024.

To the extent that the Court is inclined to deny the relief requested herein, the Parties respectfully request a conference with Your Honor, as soon as is convenient.

We thank Your Honor for your attention to this matter.

Respectfully submitted,

Falcon Rappaport & Berkman LLP

/s/ Moish E. Peltz

By: Moish E. Peltz, Esq.
Steven C. Berlowitz, Esq.

cc: All Counsel via ECF

The request is GRANTED.

The Clerk of Court is requested to terminate the motion at Dkt. 56.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Dated: October 11, 2024